

Indiana Department of Environmental Management

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(Text does not include verbatim comments)

AG/ENVIRO PARTNERS: How Can We Better Align to Achieve Varied and Mutual Goals

Introduction: IDEM and Producers Working Together

There are two questions posed for this panel:

- What has worked best for your organization in developing partnerships with agriculture to meet environmental goals? AND
- What suggestions do you have for EPA to enhance partnerships with your organization and agriculture to meet environmental goals?

I have two answers: **COMMUNICATION** and **PARTNERSHIP**

- I have been asked to speak today on how the Indiana Department of Environmental Management and the agricultural community are working together to achieve our common environmental goals throughout Indiana.
- Today, our two factions have an excellent working relationship, but this has not always the case.
- I attribute this good relationship to taking the time to understand one another and what each faction is responsible for producing - which, when it comes down to it, are very similar end products.
- Producers strive to achieve wholesome food products, which require clean and wholesome starting ingredients - clean soil and clean water - that's where IDEM comes in.
- It is not just a cliché that agricultural producers are the original stewards of the land. So many of the organizations have the word and commitment to *conservation* in their name: Natural Resources *Conservation* Service, formerly known as State *Conservation* Service, Soil and Water *Conservation* Districts, National Association of *Conservation* Districts.
- So, how did we get to where we are today in our model working relationship and from whence did we start?
- Let me tell you a little bit about myself, to begin with. Prior to coming to IDEM I was a Deputy Director at the Indiana Department of Natural Resources and I supervised the Division of Soil Conservation. It was there that I learned the model of effectuating change to preserve natural

resources on a voluntary, not regulatory, basis. And it worked! I also had the opportunity to attend a public forum held by IDEM on the proposed rules addressing confined feeding operations. There was a tremendous amount of tension and disgruntlement. The session was held at the annual meeting of the Indiana Association of Soil and Water Conservation Districts, and it was clear that producers were frustrated and felt that they were not being listened to. In addition to that, the proposed rules did not speak to producers in their language - they were purely regulatory in nature.

- Upon being named Commissioner of IDEM I was contacted by the Executive Director of the Office of the Commissioner of Agriculture. He informed me that anarchy was imminent if we didn't get this matter under control.

Confined Feeding Operations: By the Numbers

- 1971 - Confined feeding control law passed by the Indiana General Assembly.
- 1996 - Confined Feeding Task Force convened - recommendations to GA, including liaison and rules
- 1997 - Confined Feeding Technical Workgroup established for rulemaking - met at least 22 times

Per IN Law - Confined Feeding Operations, or CFOs, are livestock operations whose number of animals meet or exceed our regulatory minimums of:

- 300 cattle,
- 600 swine or sheep,
- 30,000 fowl (chickens, duck, turkeys) or
- A combination of these numbers.
- Based on above numbers, Indiana has about 3,000 confined feeding operations.
- As an aside, the vast majority of CFOs inspected over the past two years, 96% and 94%, respectively, had no or only minor maintenance concerns.

Communication: IDEM and Livestock Producers

- So, as I mentioned, in 1999, things were not looking good for the Indiana CFO rules. Producers hated them and were threatening that the rule would put them out of business. Environmental groups and concerned citizens likewise were complaining that the rules were not protective enough. And, in the midst of all of this, the bottom fell out of the hog market.

- So, what's a new commissioner to do? We went back to the drawing board. We spent hours and hours around the table with representatives of commodity groups, the Office of the Commissioner of Agriculture, Purdue Extension, and NRCS. The Executive Director of Agriculture and myself personally participated in every one of those meetings. We also had additional meetings with concerned citizens. Our goal was to craft a rule that was protective of the environment while understanding and recognizing the challenges faced by the regulated community.

- We also embarked on internal education within IDEM to provide a better understanding and sensitivity of issues faced by producers.

- During this process, IDEM hired our current Agricultural Liaison, Kristin Whittington - I attribute a great deal of our successes, internally and externally, to her.

- Most of all, I credit communication for being the primary catalyst toward not only success, but also toward change and understanding between IDEM and the agricultural community.

Indiana's Confined Feeding Operation Rule.

- I am very pleased to report that in March of this year Indiana's Water Pollution Control Board adopted the state's first Confined Feeding Operations Rule. We did not have 100% consensus, some concerned citizens and environmental groups still believed the rule was not restrictive enough, however, Agriculture was mostly supportive.
- The rule, pending approval by the Attorney General's office, will help protect the state's water quality and ensure that CFOs will continue to be good neighbors to adjacent property owners.
- The development of the rule has incorporating input from animal scientists, academics, attorneys, biologists, citizens and the environmental community.
- And perhaps most importantly, from early on in the rule's development up through the final draft, IDEM actively sought input from the people who would be most affected by the rule - our state's producers and landowners.
- During the development of this rule, IDEM remained in contact with members of the agriculture community with each new development, with every step.

Creative Communication: Meetings, Manual, Video

- Let me give just a few examples of how, through creative communication, IDEM and the agricultural community collaborated with many other groups to develop a workable CFO rule.

Confined Feeding Meetings

- During the development of the rule, IDEM held 15 public meetings in 1999 and 2000 throughout Indiana, at locations close to agricultural operations.
- The purpose of these meetings was not only to introduce the concept of the rule, but also to answer questions from those who would be affected and to gather their thoughts on what was needed to help them comply with the new rule.
- The first round of meetings, in 1999, consisted of our staff giving a presentation about the rule, which included what actions IDEM would take to implement the rule and help producers comply.
- As previously indicated, IDEM was not well received in the first round of meetings. Based on feedback from these meetings, and a lot of outreach in the interim, we planned to go back on the road to review changes made as a result of a full year's of hard work.
- In contrast, the 2000 meetings were a model of how to hold public meetings. NRCS joined us at each meeting. We held them in Extension Offices, or SWCD offices. We tried to have a local SWCD or extension person facilitate each meeting. Kristin was instrumental in setting up each meeting and attended each one faithfully. Our format was much more accessible for the producers - less legalese. More conversation between the producers and IDEM.

- These meetings opened the door for additional conversations between IDEM and the agriculture and environmental communities.

And we're not done

- Once the CFO rule is completely final, we will have a series of producer workshops throughout the state. IDEM personnel will attend each of these workshops to answer questions and direct discussions.
- These workshops will serve as forums for open discussion of the rule between producers and IDEM. Through these meetings, we hope to learn what other needs the producers have in regards to the rule.

Confined Feeding Guidance Manual

- When completed, the Confined Feeding Rule was 40 pages long. Most of that was complicated legal terms meant to protect the state's water. While essential, that language can seem overwhelming when you don't spend every day with it. I can tell you, quite a few IDEM employees wrestled with some of the more technical wording.
- I probably shouldn't say this, but at one of our meetings, one farmer who read through the rule said it took 100 sentences to say what could have been summed up in two.
- In response to producer concerns and requests, IDEM developed the Confined Feeding Guidance Manual, a publication that takes the complicated legalese and makes it understandable, for producers as well as our inspectors.
- This manual was developed by an assortment of IDEM staff with help from producer and commodity group representatives, animal scientists from Purdue University, NRCS and agriculture engineering consultants.

Confined Feeding Video

- While the manual gives a comprehensive look at what is required by the rule, it doesn't give producers a good real-world perspective.
- It doesn't answer the question "How will my life and my business be changed" or the all-encompassing inquiry, "why?"
- To explain why the CFO rule is important not only for environmental protection, but also for the confined feeding operations themselves, IDEM developed a 40-minute video to help put the rule into perspective.
- The video combines information about the rule with footage of actual interviews conducted with producers throughout the state.
- The producers we spoke with not only talked about their impression of the rule, but their impressions of IDEM and the inspection process. And, yes, I refrained from giving the order to edit out some comments that might be a bit critical of the agency!

- The folks who agreed to be a part of this video project are the key, the bridge that connects the provisions of the rule with the real life producer.

- The video, which is a good reference tool to those whose animal numbers are below our regulatory threshold, will be available for loan from:

- County extension offices,
- Natural Resource Conservation Service offices,
- Livestock commodity groups and
- IDEM agricultural relation offices

IDEM Answer's Producers Concerns: Water Quality Improvement Grant

- Well before the rule was finalized, IDEM had already been working with producers who will be impacted by this rule.

- Obviously, some producers are going to be financially burdened by some of the changes that will have to be made to their equipment and storage facilities.

- IDEM implemented a \$2 million Water Quality Improvement Grant designed to help Indiana's CFOs implement changes which will be required by the new rule.

- True Partnership - designed by IDEM, NRCS, SWCDs, DNR, Com'r of Ag. Funded by IDEM, administered by DNR and SWCDs

- Grants allocated throughout all of Indiana's 92 counties to take some financial investment burden off of the livestock producers' shoulders.

- Each county received a base allocation of \$10,000, with the remainder divided among those most in need of assistance.

- Types of projects funded:

- Nutrient management planning,
- Livestock watering facilities,
- Closure of manure storage facilities,
- Updated waste management and utilization systems and
- Stream bank stabilization

- We wanted to start early and work with producers to meet the new rule's expectations rather than playing catch-up later.

Agricultural Relations Director

- As mentioned, the General Assembly created an agriculture liaison position within IDEM.

- Liaison to facilitate communication between IDEM and the agriculture community - point person within agency who understands agricultural industry.

- Also liaison between agricultural industry and agency: Kristin has probably done as much internal education and outreach, as external.

- Kristin has worked closely with Indiana producers throughout the development of the CFO rule, conveying that they are an integral part of the process.
- But Kristin provides more than information; she provides advice, too.
- Liaison covered under IDEM's confidentiality policy or CTAP (Compliance Technical Assistance Program), which means that what producers say to her remains confidential.
- As long as no immediate danger to human health or the environment - no threat of enforcement action.
- Feedback very positive - comfortable talking to Kristin not only because of the confidentiality agreement, but also because she knows agriculture.
- Kristin's family owned a livestock operation in southern Indiana. After graduating from Purdue University, she participated in agriculture research before joining IDEM.
- Kristin is not just knowledgeable regarding agricultural issues, she is a part of the agriculture community. She is a true asset to IDEM and I would encourage all other environmental agencies to add a staff member with similar qualifications and skills.

Conclusion

- By coupling communication with regulation, IDEM and Indiana's agriculture community teamed up to not only keep the environment safe, but also to also ensure farming operations are profitable and environmentally friendly.
- My take home message to everyone here: *communicate, communicate, communicate.*